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No. 80-1583

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1980

THE PEOPLE OF THE STATE OF COLORADO,

Petitioners,

v.

ROBERT CHAVEZ,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE COLORADO SUPREME COURT

REPLY BRIEF ON CERTIORARI

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THE RESPONDENT MISCHARACTERIZES THE CASE

The respondent, without arguing that the federal constitution was correctly applied by the Colorado Supreme Court, merely seeks to avoid this court's scrutiny of this case by suggesting that it was decided on the basis of the Colorado Constitution. He cites the concurring opinion of Justice Quinn. Only one other justice joined in that opinion. The majority opinion is clearly rooted in the notion that the result is required by the federal constitution as interpreted by this court. If that premise is incorrect, which the state insists it is, it appears that the Colorado Supreme Court would have voted 5-2 for a contrary result. It is a grievous

misstatement of the case to suggest that it was decided on the basis of the Colorado constitution.

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